

AMENDMENT TRANSMITTAL LETTER
Under Small Entity Status

Attorney Docket No: GC-533

Application Serial Number:
09/977,667

Filing Date:
October 15, 2001

Examiner:
GITOMER, Ralph J.

Group Art Unit:
3464

Invention: DIAGNOSTIC TESTING SYSTEM AND METHOD FOR DETECTING *HELICOBACTER PYLORI*

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	16	MINUS	50	0	\$9	\$ 0.00
INDEP. CLAIMS	6	MINUS	4	0	\$42	\$ 0.00

X Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of September 8, 2003 to and through February 8, 2004, comprising an extension of the shortened statutory period of:

_____ one month (\$55) _____ three months (\$475)
X two months (\$210) _____ four months (\$740)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

X Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

_____ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

X A check in the amount of \$ 210.00 is attached.

X Charge any deficiency in fees to Deposit Account 16-0478.

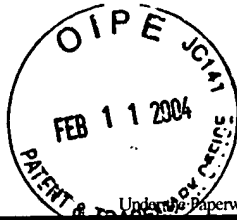
_____ No additional fee is required.

February 9, 2004
Date

Kimberly D. Snead
Kimberly O. Snead
Reg. No. 45,119

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on February 9, 2004.

Kimberly D. Snead
Kimberly O. Snead



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant Claims small entity status See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **\$210.00**

Complete if Known

Application Number	09/977,667
Filing Date	October 15, 2001
First Named Inventor	Donald J. McMichael
Examiner Name	Gitomer
Group Art Unit	3464
Attorney Docket No.	GC-533

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number
16-0478

Deposit Account Name
Parker & DeStefano

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) **(\$370.00)**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent	Multiple Dependent	11	X	9.00	=	
31	-20***	11	X	9.00	=	
4	-3***	1	X	42.00	=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$)**

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	210	Extension for reply within second month	210.00
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

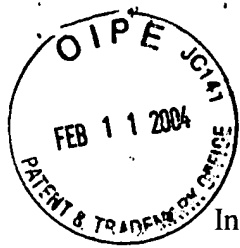
(\$210.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kimberly O. Snead	Registration No. (Attorney/Agent)	45,119	Telephone	434-817-6606
Signature	Kimberly O. Snead	Date	February 9, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Donald J. McMichael et al.

Atty. Docket No. GC-533

Application No. 09/977,667

Examiner: GITOMER, Ralph J.

Filed: October 15, 2001

Art Unit: 1651

Title: DIAGNOSTIC TESTING SYSTEM AND METHOD FOR
DETECTING HELICOBACTER PYLORI

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

This is in response to the Office Action of September 8, 2003, having a three-month shortened statutory period for response set to expire on December 8, 2003.

Enclosed herewith is a Petition for Two-Month Extension of Time with fee, thereby extending the deadline for response to Monday, February 9, 2004 since February 8, 2004 falls on a Sunday. Please charge any deficiency in fees to Deposit Account No. 16-0478.

AMENDMENT

Please amend the above-identified application as follows:

Amendments to specification begins on page 2 of this paper.

Amendments to claims begins on page 3 of this paper.

Remarks/Arguements begin on page 11 of this paper.

02/13/2004 SMINASS1 00000034 09977667

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